

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) AND 1.27 (d)) - NONPROFIT ORGANIZATION**

Docket No.
87647.98R199

Serial No.

Not Yet Known

Filing Date

Herewith

Patent No.

Issue Date

Applicant/

Patentee: **Bailey et al.**

Invention: **FOOD AND VITAMIN PREPARATIONS CONTAINING THE NATURAL ISOMER OF
REDUCED FOLATES (U.S. National Stage of PCT/US97/01870, filed January 31, 1997)**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: **South Alabama Medical Science Foundation**

ADDRESS OF ORGANIZATION: **P.O. Box U-1060**

Mobile, AL 36688

TYPE OF NONPROFIT ORGANIZATION:

- University or other Institute of Higher Education
- Tax Exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3))
- Nonprofit Scientific or Educational under Statute of State of The United States of America
 Name of State: _____ Citation of Statute: _____
- Would Qualify as Tax Exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3)) if Located in The United States of America
 Name of State: _____ Citation of Statute: _____
- Would Qualify as Nonprofit Scientific or Educational under Statute of State of The United States of America if Located in The United States of America
 Name of State: _____ Citation of Statute: _____

I hereby declare that the above-identified nonprofit organization qualifies as a nonprofit organization as defined in 37 C.F.R. 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- the specification to be filed herewith.
- the application identified above.
- the patent identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the above-identified nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- no such person, concern or organization exists.
- each such person, concern or organization is listed below.

FULL NAME _____
ADDRESS _____

Individual Small Business Concern Nonprofit Organization

FULL NAME _____
ADDRESS _____

Individual Small Business Concern Nonprofit Organization

FULL NAME _____
ADDRESS _____

Individual Small Business Concern Nonprofit Organization

FULL NAME _____
ADDRESS _____

Individual Small Business Concern Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

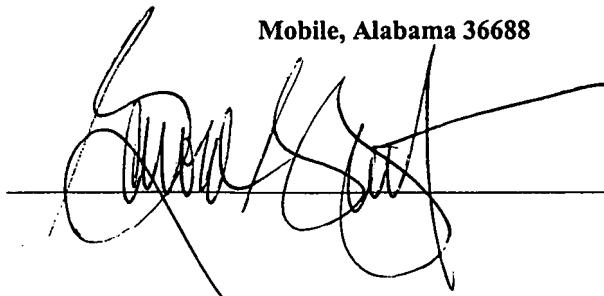
NAME OF PERSON SIGNING: Garold G. Breit

TITLE IN ORGANIZATION: Director

ADDRESS OF PERSON SIGNING: South Alabama Medical Science Foundation

P.O. Box U-1060

Mobile, Alabama 36688

SIGNATURE: 

DATE: 7/24/98

Please type a plus sign (+) inside this box →

PTO/SB/01 (12/97)

Approved for use through 9/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)		Attorney Docket Number	87647.98R199
		First Named Inventor	Bailey
COMPLETE IF KNOWN			
Declaration Submitted with Initial Filing		Application Number	/
OR Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)))		Filing Date	
		Group Art Unit	
		Examiner Name	

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

FOOD AND VITAMIN PREPARATIONS CONTAINING THE NATURAL ISOMER OF REDUCED FOLATES

the specification of which

(Title of the Invention)

is attached hereto
OR
 was filed on (MM/DD/YYYY) as United States Application Number or PCT International

Application Number and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above:

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application		Foreign Filing Date	Priority	Certified Copy Attached? YES	NO
none			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	
60/010,898	01/31/1996	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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DECLARATION ---- Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
PCT/US97/01870	01/31/1997	

Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transmit all business in the Patent and Trademark Office connected therewith:

Customer Number Place Customer Number Bar Code Label here
 Registered practitioner(s) name/registration number listed below

Name	Registration Number	Name	Registration Number
Susan J. Braman	34,103		

Additional registered practitioner(s) named on supplemental Registered Practitioner information sheet PTO/SB/02C attached hereto.

Direct all correspondence Customer Number or Bar OR Correspondence address below

Name	Susan J. Braman				
Address	Jaecle Fleischmann & Mugel, LLP				
Address	39 State Street				
City	Rochester	State	NY	ZIP	14614-1310
Country	US	Telephon	716-262-3640	Fax	716-262-4133

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle if any)		Family Name or Surname					
Steven W.		Bailey					
Inventor's	<i>Steven W. Bailey</i>					Date	28 July 98
Residence: City	Mobile	State	AL	Country	US	Citizenship	US
Post Office Address	Pharmacology Department, 3130 MSB; College of Medicine						
Post Office Address	University of South Alabama						
City	Mobile	State	AL	ZIP	36688	Country	US
<input checked="" type="checkbox"/> Additional inventors are being named on the <u>1</u> supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached							

Please type a plus sign (+) inside this box →

PTO/SB/02A (12/97)

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DECLARATION

ADDITIONAL INVENTOR(S) Supplemental Sheet

Page 1 of 1

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])		Family Name or Surname					
June E.		Ayling					
Inventor's	<i>June E - Ayling</i>					Date	<i>July 27 1998</i>
Residence: City	Mobile	State	AL	Country	US	Citizenship	US
Post Office Address	Pharmacology Department, 3130 MSB; College of Medicine						
Post Office Address	University of South Alabama						
City	Mobile	State	AL	ZIP	36688	Country	US
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])		Family Name or Surname					
Inventor's						Date	
Residence: City		State		Country		Citizenship	
Post Office Address							
Post Office Address							
City		State		ZIP		Country	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])		Family Name or Surname					
Inventor's Signature						Date	
Residence: City		State		Country		Citizenship	
Post Office Address							
Post Office Address							
City		State		ZIP		Country	

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Patent and Trademark Office
 ASSISTANT SECRETARY AND COMMISSIONER
 OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

JANUARY 15, 1999

PTAS

JAECKLE FLEISCHMANN & MUGEL, LLP
 SUSAN J. BRAMAN
 39 STATE STREET
 ROCHESTER, NY 14614-1310



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RECORDATION DATE: 07/31/1998

REEL/FRAME: 9456/0461
 NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BAILEY, STEVEN W.

DOC DATE: 07/28/1998

ASSIGNOR:

AYLING, JUNE E.

DOC DATE: 07/28/1998

ASSIGNEE:

SOUTH ALABAMA MEDICAL SCIENCE
 FOUNDATION
 POST OFFICE BOX U-1060
 MOBILE, ALABAMA 36688

SERIAL NUMBER: 09117586

FILING DATE: 07/31/1998
 ISSUE DATE:

PATENT NUMBER:

FORM PTO-1619A
Expires 06/30/99
OMB 0651-0027

09-21-1998

U.S. Department of Commerce
Patent and Trademark Office
PATENT

09/117586

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05 Rec'd PCT/PTO 31 JUL 1998

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JC 09/117586
10/15/98

Conveying Party(ies)

Mark if additional names of conveying parties attached

Execution Date
Month Day Year
07/28/1998

Name (line 1) Bailey, Steven W.

Name (line 2)

Second Party

Name (line 1) Ayling, June E.

Name (line 2)

Execution Date
Month Day Year
07/28/1998

Receiving Party

Mark if additional names of receiving parties attached

Name (line 1) South Alabama Medical Science Foundation

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Address (line 3) Mobile

AL

36688

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Enter for the first Receiving Party only.

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Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

Correspondent Name and Address

Area Code and Telephone Number

(716) 262-3640

Name

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Mark if additional numbers attached.

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<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

Patent Number(s)

<input type="text"/>	<input type="text"/>	<input type="text"/>
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<input type="text"/>	<input type="text"/>	<input type="text"/>

If this document is being filed together with a new Patent Application, enter the date the patent application was

Month Day Year

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Enter PCT application number

PCT PCT PCT

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has not been assigned.

PCT PCT PCT

Number of Properties

Enter the total number of properties involved.

#

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): \$

Method of Payment:

Enclosed Deposit Account

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the

Deposit Account Number: #

Authorization to charge additional fees: Yes No

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Susan J. Braman

Name of Person Signing

Susan J. Braman

Signature

July 31, 1998

Date

ASSIGNMENT

WHEREAS, We, Steven W. Bailey, a citizen of the United States of America, residing at Pharmacology Department, 3130 MSB, College of Medicine, University of South Alabama, Mobile, Alabama 36688, and June E. Ayling, a citizen of the United States of America, residing at Pharmacology Department, 3130 MSB, College of Medicine, University of South Alabama, Mobile, Alabama 36688, have invented certain new and useful improvements in **FOOD AND VITAMIN PREPARATIONS CONTAINING THE NATURAL ISOMER OF REDUCED FOLATES** for which we have executed an application for Letters Patent in the United States, the specification of which was filed as PCT International Application Number PCT/US97/01870 on January 31, 1997;

AND WHEREAS, South Alabama Medical Science Foundation, with its principal place of business at Post Office Box U-1060, Mobile, Alabama, 36688, desires to acquire the entire right, title and interest in and to the said improvements and the said Application:

NOW, THEREFORE, for good and valuable consideration including salary or payment for the making of inventions in accordance with the patent policy of the University of South Alabama, College of Medicine, or employee benefits, We, the said inventors, do hereby acknowledge that We have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said South Alabama Medical Science Foundation, its successors, legal representatives and assigns, the entire right, title and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and We hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said South Alabama Medical Science Foundation, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND We HEREBY covenant and agree that We will communicate to the said South Alabama Medical Science Foundation, its successors, legal representatives and assigns, any facts known to us respecting said improvements and testify in any legal proceeding, sign all lawful papers, execute all divisional,

continuing and reissue applications, and make all rightful oaths to aid the said South Alabama Medical Science Foundation, its successors, legal representatives and assigns, at the expense of said South Alabama Medical Science Foundation, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 28 day of July, 1998.

Steven W. Bailey
Steven W. Bailey

STATE OF ALABAMA
COUNTY OF MOBILE SS:

This 28th day of July, 1998, before me personally came the above-named Steven W. Bailey, to me personally known as the individual who executed the same of his own free will for the purposes therein set forth.

Judi Maylor
Notary Public
My Commission Expires July 30, 2000

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 28 day of July, 1998.

June E. Ayling
June E. Ayling

STATE OF ALABAMA
COUNTY OF MOBILE SS:

This 28 day of July, 1998, before me personally came the above-named June E. Ayling, to me personally known as the individual who executed the same of her own free will for the purposes therein set forth.

Judi Maylor
Notary Public
My Commission Expires July 30, 2000